

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:09-HC-2012-BO

GREGORY ROBINSON, JR.,)
Petitioner,)
)
v.) ORDER
)
STATE OF NORTH CAROLINA,)
Respondent.)

On March 4, 2010, in a detailed order, this writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 was dismissed through the granting of respondent's motion for summary judgment (D.E. 16). The certificate of appealability was also denied. Id. Petitioner appealed this court's decision, however, on August 23, 2010, the Fourth Circuit dismissed the matter (D.E. 24). The mandate from the Fourth Circuit was stayed after petitioner sought rehearing and rehearing en banc of its dismissal (D.E. 26-27). The Fourth Circuit then denied the request (D.E. 27), and the mandate issued on October 13, 2010 (D.E. 28). Now over two years later, petitioner is before the court with a motion for reconsideration pursuant to Rule 60 of the Federal Rules of Civil Procedure (D.E. 29). However, the matter was dismissed well over two years ago, and the case was closed. Under Rule 60 of the Federal Rules of Civil Procedure “[a] motion . . . must be made within a reasonable time - and . . . no more than a year after the entry of the judgment or order or the date of the proceeding.” The motion is not timely. Accordingly, the filings is DENIED as UNTIMELY. (D.E. 29).

SO ORDERED, this the 21 day of May 2013.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE